

Article - Criminal Law

[\[Previous\]](#)[\[Next\]](#)

§5–403.

(a) Schedule II consists of each controlled dangerous substance:

- (1) listed in this section;
- (2) added to Schedule II by the Department under § 5–202(b) of this title; or
- (3) designated as a Schedule II controlled dangerous substance by the federal government unless the Department objects under § 5–202(f) of this title.

(b) (1) Unless the substance is listed in another schedule and except as provided in paragraph (2) of this subsection, opium and opiate, and a salt, compound, derivative, or preparation of opium or opiate is a substance listed in Schedule II, including:

- (i) raw opium;
- (ii) opium extracts;
- (iii) opium fluid extract;
- (iv) opium fluid;
- (v) powdered opium;
- (vi) granulated opium;
- (vii) tincture of opium;
- (viii) codeine;
- (ix) dextropropoxyhene bulk (nondosage form);
- (x) dihydroetorphine;
- (xi) ethylmorphine;
- (xii) etorphine hydrochloride;

- (xiii) hydrocodone;
- (xiv) hydromorphone;
- (xv) metopon;
- (xvi) morphine;
- (xvii) oripavine;
- (xviii) oxycodone;
- (xix) oxymorphone; and
- (xx) thebaine.

(2) Apomorphine, dextrorphan, nalbuphine, naloxone, and naltrexone, and their respective salts, are not substances listed in Schedule II.

(3) Substances listed in Schedule II also include:

(i) except for the isoquinoline alkaloids of opium, a salt, compound, derivative, or preparation that is chemically equivalent or identical to a substance listed in paragraph (1) of this subsection;

(ii) opium poppy, poppy straw, and poppy straw concentrate;

(iii) coca leaf;

(iv) cocaine, its salts, optical and geometric isomers, and salts of isomers;

(v) ecgonine, its derivatives, their salts, isomers, and salts of isomers; and

(vi) a compound, mixture, or preparation that contains any of the substances listed in this section.

(4) A substance that is listed in Schedule II is included whether produced:

(i) directly or indirectly by extraction from substances of vegetable origin;

- (ii) independently by chemical synthesis; or
 - (iii) by a combination of extraction and chemical synthesis.
- (c) (1) These opiates are substances listed in Schedule II:
- (i) alfentanil;
 - (ii) alphaprodine;
 - (iii) anileridine;
 - (iv) bezitramide;
 - (v) carfentanil;
 - (vi) dihydrocodeine;
 - (vii) diphenoxylate;
 - (viii) dronabinol (in oral solution);
 - (ix) fentanyl;
 - (x) isomethadone;
 - (xi) levoalphacetylmethadol;
 - (xii) levomethorphan;
 - (xiii) levorphanol;
 - (xiv) metazocine;
 - (xv) methadone;
 - (xvi) methadone – intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;
 - (xvii) moramide – intermediate, 2-methyl-3- morpholino-1, 1-diphenyl-propane-carboxylic acid;
 - (xviii) pethidine;

(xix) pethidine – intermediate – A, 4-cyano-1-methyl-4-phenylpiperidine;

(xx) pethidine – intermediate – B, ethyl-4-phenylpiperidine-4-carboxylate;

(xxi) pethidine – intermediate – C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;

(xxii) phenazocine;

(xxiii) piminodine;

(xxiv) racemethorphan;

(xxv) racemorphan;

(xxvi) remifentanil;

(xxvii) sulfentanil;

(xxviii) tapentadol; and

(xxix) thiafentanil.

(2) Unless specifically excepted under this subtitle, an isomer, ester, ether, or salt of an opiate and a salt of an isomer, ester, or ether is a substance listed in Schedule II if the existence of the isomer, ester, ether, or salt is possible within the specific chemical designation.

(d) A substance is listed in Schedule II if the substance includes a material, compound, mixture, or preparation that contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

(1) amphetamine, its salts, optical isomers, and salts of its optical isomers;

(2) phenmetrazine and its salts;

(3) a substance that contains any methamphetamine, including salts, optical isomers, and salts of its optical isomers, in combination with one or more active nonnarcotic ingredients in recognized therapeutic amounts;

(4) methylphenidate;

(5) methamphetamine, its salts, optical isomers, and salts of optical isomers; and

(6) lisdexamfetamine, its salts, isomers, and salts of isomers.

(e) (1) Unless specifically excepted under this subtitle or listed in another schedule, a substance is listed in Schedule II if the substance includes a material, compound, mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system:

- (i) amobarbital;
- (ii) glutethimide;
- (iii) secobarbital;
- (iv) pentobarbital;
- (v) phencyclidine;
- (vi) 1-(1-phenylcyclohexyl) piperidine;
- (vii) 1-phenylcyclohexylamine; and
- (viii) 1-piperidinocyclohexanecarbonitrile.

(2) Unless specifically excepted under this subtitle or listed in another schedule, a salt, isomer, or salt of an isomer of a substance listed in this subsection is included in Schedule II if the existence of the salt, isomer, or salt of an isomer is possible within the specific chemical designation.

(f) The Department may not add a substance to Schedule II under § 5–202 of this title unless the Department finds:

- (1) a high potential for abuse of the substance;
- (2) currently accepted medical use of the substance in the United States, or currently accepted medical use with severe restrictions; and
- (3) evidence that abuse of the substance may lead to severe psychological or physical dependence.

[\[Previous\]](#)[\[Next\]](#)